REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections set forth in the Final Office Action of December 16, 2004, are earnestly solicited.

Submitted herewith is a request for a one month extension of time in which to respond to the Office Action of December 16, 2004.

Claim 1 has been amended to clarify Applicants' invention. This amendment is not believed to narrow the scope of Claim 1. Claims 1—13 remain pending in the application.

Request for Withdrawal of Finality of the Office Action

In the initial Office Action of May 5, 2004, Claims 1—7 were rejected under 35 U.S.C. § 112, second paragraph. No prior art was cited against those claims. Therefore, prior amendments to Claims 1—7 were made solely to address the § 112 rejection. Hence, contrary to the Examiner's assertion in the instant Office Action of December 16, 2004, Applicants' prior responsive amendment did not necessitate the new grounds of rejection under 35 U.S.C. § 102(b) of Claims 1, 2 and 4—7. The Examiner is now applying the same art cited in the initial Office Action (Brewer et al.) to Claims 1, 2 and 4—7 for the first time, when this rejection could have been posited in the initial Office Action. Since it was not asserted initially, Applicants have been deprived of their right to address the § 102 rejection via the amendment to Claim 1 set forth herein, without the expense of filing a request for continued examination. Therefore, Applicants respectfully request the finality of the Office Action of December 16, 2004 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2 and 4—7 stand rejected under § 102(b) as being anticipated by Brewer et al. (U.S. Patent No. 5,255,324). The rejection is respectfully traversed.

Claim 1 calls for incrementally reducing a level of a first parameter (narrow band gain) to attack clipping and then incrementally reducing a level of a second parameter (wide band gain) to continue attacking clipping if it persists. Restoration of the first and second parameters in Claim 1 is reversed, by restoring the first parameter only after the second parameter has been fully restored.

Brewer, by contrast, teaches restoring the first parameter prior to restoring the second parameter—i.e. in the same order in which the first and second parameters were reduced to attack clipping. Claim 1 and its dependent Claims 2 and 4—7 are therefore believed to be in condition for allowance.

Claim Rejections – 38 U.S.C. § 103

Claims 3 and 8—13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brewer et al. in view of Wassink (U.S. Patent No. 5,633,940). The rejection is respectfully traversed.

The Examiner correctly notes that Brewer et al. does not teach recovering the first parameter after the original level of the second parameter is fully recovered. Wassink is cited for the claimed reverse order of recovery. However, Wassink does not teach Applicants' full recovery of the second parameter as being a prerequisite to recovery of the first parameter. Rather, Wassink discloses a variety of interleaved or alternating recoveries of the first and second parameters. See Wassink at column 5, lines 41—42. The paragraph spanning columns 5 and 6 of Wassink cited by the Examiner refers to a reverse order of the interleaved sequences of adjustments of both the first

and second parameters—not to a fully recovery of the second parameter and then a recovery of the first parameter. Also, see Fig. 4 of Wassink regarding the interleaved nature of the parameter adjustments. Claim 3 and Claims 8—13 are therefore believed to be in condition for allowance.

Claims 1—13 are believed to be in condition for allowance, early acknowledgment of which is requested.

Respectfully submitted,

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